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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/293,550

For the Mark: INSTA CASH

Filed: August 8, 2003

Date of Publication: September 14, 2004

WELLS FARGO & COMPANY

Opposer,

v.

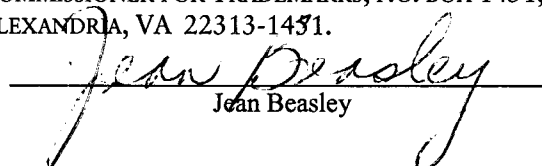
Opposition No. _____

NETELLER, INC.

Applicant.

Box TTAB
FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

I CERTIFY THAT, ON MARCH 14, 2005, THIS PAPER IS
BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS
FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE
COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451,
ALEXANDRIA, VA 22313-1451.


Jean Beasley

NOTICE OF OPPOSITION

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

This notice of opposition concerns the application to register the mark INSTA CASH (the "Mark"), Serial No. 78/293,550, filed on August 8, 2003, in the name of Neteller, Inc. ("Applicant"). The Mark was published for opposition in the Official Gazette of September 14, 2004. Opposer Wells Fargo & Company ("Opposer") believes that it would be damaged by registration of the Mark and hereby opposes same.

The grounds of opposition are as follows:

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300.00 OP

1. Opposer is a corporation duly organized and existing under the laws of the State of Delaware, located and having a place of business at 1700 Wells Fargo Center, MAC N9305-176, Sixth and Marquette, Minneapolis, MN 55479.

2. Commencing long prior to Applicant's filing date, or about 1976, Opposer, through its subsidiaries, has prominently used, and is now using, the trademark INSTANT CASH in connection with banking services. Opposer has also, through its subsidiaries, used the trademark INSTANT CASH & CHECK since at least 1990 in connection with banking services.

3. Opposer is the owner of several trademark registrations for the INSTANT CASH trademark, including U.S. Registration No. 2,074,879; U.S. Registration No. 2,029,568; and trademark registrations for the mark INSTANT CASH & CHECK, namely, U.S. Registration No. 2,117,763; and U.S. Registration No. 2,016,944; U.S. Registration No. 2,029,567, all for use in connection with banking services.

4. Upon information and belief, notwithstanding Opposer's long prior use of INSTANT CASH and INSTANT CASH & CHECK, Applicant sought to register the Mark for use in connection with "financial and monetary services, namely electronic cash transfer services performed over the Internet, for consumers for transferring cash from their own bank accounts to their accounts held by the applicant used for them to purchase services and goods online."

5. Upon information and belief, Applicant's Mark so resembles Opposer's INSTANT CASH and INSTANT CASH & CHECK marks as to be likely, when applied to the services of Applicant, to cause confusion or mistake or to deceive purchasers, resulting in damage and detriment to Opposer.

6. Upon information and belief, the Mark cannot be registered consistent with Sections 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it would be damaged by registration of Applicant's INSTA CASH mark, and prays that application Serial No. 78/293,550 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

A duplicate of this Notice of Opposition is being filed herewith, together with a filing fee of \$300. If the amount submitted herewith is determined to be incorrect, the Commissioner may charge any additional fees or to credit any over payment to Deposit Account No. 06-0029.

Please address all correspondence to:

Eunice P. de Carvalho,
FAEGRE & BENSON LLP
2200 Wells Fargo Center,
90 South Seventh Street
Minneapolis, MN 55402-3901
telephone (612) 766-7064

Dated: March 14, 2005

Respectfully submitted,
WELLS FARGO & COMPANY

By Eunice P. de Carvalho
Eunice P. de Carvalho
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
Tel.: (612) 766-7064
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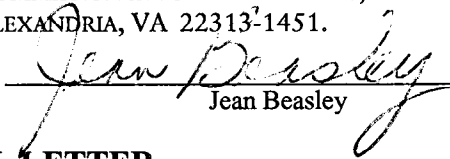
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Jean Beasley

TRANSMITTAL LETTER

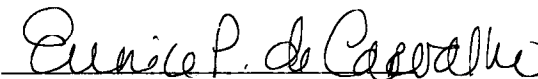
Enclosed for filing are the following papers in connection with the above-identified trademark opposition:

- Notice of Opposition (in triplicate);
- Credit Card payment form in the amount of \$300.00; and
- Postcard.

A self-addressed return postcard in accordance with T.M.E.P. Section 703 itemizing all of the above-referenced documents filed with the United States Patent and Trademark Office.

Dated: March 14, 2005

Respectfully submitted,
WELLS FARGO & COMPANY

By 

Eunice P. de Carvalho

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